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Attorney Regulation Advisory Committee  
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**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of:	)	
PETITION TO AMEND	)	Supreme Court No. R-17-0005
RULE 50, RULES OF	)	
<u>THE SUPREME COURT</u>	)	

Pursuant to Rule 28, Rules of the Arizona Supreme Court, the Attorney Regulation Advisory Committee (ARC), respectfully submits this comment with respect to the above-referenced proposed rule petition.

On March 1, 2017, ARC reviewed this petition. During the meeting, it was reported to ARC that the initial impetus of this petition arose as a result of the term limit expiration of numerous attorney members of Attorney Discipline Probable Cause Committee (ADPCC) and that Rule 50, as presently drafted, prohibits the reappointment of a member for a third term. It was further reported that adoption of the petition would align the reappointment process for ADPCC to be consistent with the reappointment process for other Court committees, in that the amendment would allow the Court, in its discretion, to reappoint members to additional terms to help insure that institutional knowledge and expertise are not lost.

After hearing the above-described report, certain ARC members expressed concern over amending Rule 50 to remove term limits, while understanding the impetus for the proposed amendment. During deliberations, some ARC members expressed support for the term limits of the current rule, because term limits enhance the likelihood of fresh perspectives on ADPCC, which can only be gained through the rotation of membership terms. In addition, some ARC members believed that term limits and the infusion of new members maintains transparency, while removing the regular rotation of ADPCC membership may have unintended consequences that are contrary to the Court's mission of an open disciplinary system.

ARC members also noted, however, that the current version of Rule 50 prohibits reappointments for a third term even under unusual or exigent circumstances that may cause an extension of an ADPCC member's term to be in the best interest of the Court and disciplinary system.

After thorough discussion, the ARC voted to file a comment stating (1) that ARC does not support the petition as written because term limits should not be abolished altogether, but (2) ARC would support an amendment to Rule 50 that gives the Court discretion, under unusual or exigent circumstances, to extend the term of an ADPCC member beyond the current three-term limitation.

ARC respectfully requests the Supreme Court consider these issues in light of any potential modifications to Rules 50.

RESPECTFULLY SUBMITTED this 17th day of May, 2017.

By /s/ J. Scott Rhodes

J. Scott Rhodes

Attorney Regulation Advisory Committee

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